REMARKS

Interview Summary

Applicants would like to thank the Examiner for extending the courtesy of a telephonic interview on November 1, 2006. During the interview, claim 40 was discussed in view of U.S. Patent No. 5,410,344 to Graves et al. ("Graves"). No agreement has been reached regarding the patentability of the claims.

During the interview, applicants' representative summarized the arguments presented in the Response filed on October 5, 2006. Although the Examiner seemed to agree that Graves lacks any disclosure or suggestion to combine the lists of FIGS. 5 and 6 as suggested earlier by the Examiner (*see* Office Action of April 7, 2006, at page 3), the Examiner argued that the ordered list in Graves's FIG. 5 is a "multiple level hierarchical data structure" as required by the claim. The applicant's representative disagreed, because skilled artisans understand that a hierarchical data structure requires a "tree-like structure" which is lacking from the list in Graves's FIG. 5. (*See* also applicants' prior remarks in the Response of Oct. 5, 2006, at page 7.) In response, the Examiner suggested amending the claims to explicitly recite a "tree structure."

Claims

Claims 40-53 were pending when last examined. The Amendment of Oct. 5, 2006, added claims 54-59. With this Supplemental Amendment, claims 40, 47 and 58 have been amended. Support for the present amendment can be found at least in FIG. 3 and page 7 of the specification.

Rejections – 35 USC § 102

Claims 40-53 were rejected under 35 U.S.C. 102(b) as being anticipated by Graves. The applicant respectfully traverses the rejections.

Claim 40, as amended, recites storing a multiple level hierarchical data structure for describing user preferences related to multimedia content. The hierarchical data structure has a tree structure that includes two or more parent preference objects, wherein each of the two or more parent preference objects is a container for a corresponding plurality of child preference objects in the tree structure of the hierarchical data structure, and each child preference object represents at least one content description element describing multimedia content.

The claim has been amended to recite a tree structure explicitly, in accordance with the Examiner's suggestion. As discussed earlier, Graves fails to disclose the claimed hierarchical data structure which, as recited by the amended claim and understood by skilled artisans, has a tree structure that is different from the linear structure of the series of questions in Graves's FIG. 5. *See* the Response of Oct. 5, 2006, at page 7. In accordance with the general understanding of the skilled artisans, the present application also differentiates a series of items (*see, e.g.,* the table of FIG. 1) and a tree-like hierarchical data structure (*see, e.g.,* FIG. 3). Thus, a reasonable interpretation of the claim should also differentiate the series of questions in Graves's FIG. 5 from the hierarchical data structure which has a tree structure, as required by the claim. ("During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' ... The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." *See* MPEP 2111.)

Furthermore, contrary to the Examiner's prior assertion, Graves also fails to disclose (or even suggest) combining the lists of its FIGS. 5 and 6 into the claimed hierarchical data structure. Neither does Graves disclose any other data structure that corresponds to the claimed hierarchical data structure.

In sum, Graves fails to disclose at least the claimed hierarchical data structure. Thus, claim 40 should be allowed. Claims 41-46, 54 and 55 depend from claim 40 and are allowable for at least the same reasons.

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Independent claims 47 and 58 have been amended to recite a hierarchical data structure that is similar to that of claim 40. Because Graves fails to disclose the claimed hierarchical data structure, independent claims 47 and 58 are also allowable. Claims 48-53, 56, 57, and 59 are dependent claims that are allowable for at least the same reasons as their respective base claims.

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CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

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11/8/06   Richard A. Park

Date   Signature

Respectfully submitted,

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